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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,176	12/18/2000	Antti Leinonen	990.1252	5328

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EXAMINER

HASTINGS, KAREN M

ART UNIT PAPER NUMBER

1731

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740176

Applicant(s)

Leinonen et al

Examiner

HASTINGS

Group Art Unit

1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on 12/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 ^{erroneously numbered 1-3, 5-11} original claims were¹ is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

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Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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NOTE: The claims 5-11 as originally filed are misnumbered - there is no claim 4 in the case. Therefore, the claims have been renumbered to accurately reflect that there is a total of 10 claims, not 11. Please be sure that applicants correct their version of the claims so that in future amendments we are changing the correct claims. Again, the claims have been renumbered to be 1-10, not 1-3 and 5-11 as originally submitted.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The relationship between "roller means" of claim 1 and the limitation in claim 3 that the roller is on a shaft adapted to enable rotation of a roller is not understood - what exactly do applicants intend to encompass by the phrase "roller means" in claim 1?

Claim 4 (numbered as 5 by applicants but actually claim 4 in the sequence of claims presented) is unclear. It appears on line 2 that --and-- should be inserted before "an" and that "glide" should be " --slide--".

Claims 5 and 6 have no proper antecedent bases for "said slide rail" - it appears both of these claims need to depend from claim 2, not claim 1 since claim 2 is the first claim that recites a slide rail.

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In order to be complete, it is also suggested that claim 1 should be amended to recite that the roller means prevents ^{jamming} of the loading member as discussed in the specification. It is suggested that claim 1 last line be amended to add --and to prevent jamming of said loading member--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant

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is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iwata et al. '602.

Note Iwata et al. teaches a shaft 107 which the Examiner believes in the broadest reasonable light can be read as a "roller means" structured and arranged to support the loading member. This shaft clearly supports the loading member, and since applicants do not clearly recite that their roller means actually rotates, it is unclear what it is intended to structurally encompass, especially in light of the fact that in a dependent claim it then explicitly recites that it is adapted to enable rotation which implies that the roller means of claim 1 does not need to rotate.

Thus, these claims structure ~~appears to read~~ appear to read on the structure of Iwata et al. Note with respect to claim 9 it is well known to construct these devices of this known glass fiber material in the art and thus it would have been immediately envisioned and/or prima facie obvious to one of ordinary skill in

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the art to make the components of the dewatering device of Iwata et al. of glass fiber. With respect to claim 10, it appears that shaft 107 can also read on a friction reducing means as claimed here.

Claims 1, 2, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bartelmuss et al.

Bartelmuss et al. teaches that balls roll along the ball tensing screws in the grooves 24 and 34 - see Figures 1, 2 and 7 and relevant description thereof, for example only at column 4 lines 40+.

Again viewed in the broadest reasonable light, the roller means of claim 1 can read on the balls that roll along the ball tensing screws in the structure of Bartelmuss et al. absent further recitation of the structure. Any differences that may be gleaned from the current claim language are deemed to be inherent or alternately prima facie obvious modifications - for example the use of glass fibers for the structural components is very well known in the art.

Claims 3, 4, 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mejdell at Figure 7 shows a loading device with a pivot roller at 66. Truxa is cited of interest to a loading device with rods 17, 18, 23, see Figures 1 and 2 as part of the support structure for the foil.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on (703) 308-3857. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
November 15, 2001

11/01